



WEB COPY

CRL OP(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD)No.2867 of 2022
and
CRL.M.P(MD)No.11194 of 2022

Dharmapandi

... Petitioner/Petitioner/
Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Sedapatty Police Station,
Madurai District.
(Crime No. 85 of 2018)

... Respondent/Respondent/
Respondent/Complainant

For Petitioner : M/s.Neethi Devan.M,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

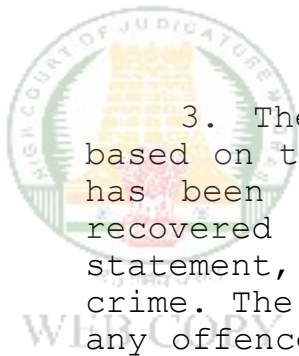
For Bail in Crime No. 85 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 18.04.2020 for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 25 of Narcotic Drugs & Psychotropic Substances Act, in Crime No.85 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 78 kgs of Ganja. Hence, the complaint.

<https://www.mhc.tn.gov.in/judis>



3. The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been implicated in this case and the entire contraband has recovered from fourth and fifth accused. Except the confession statement, nothing is available to connect the petitioner into the crime. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that co-accused were granted bail by the Sessions Court and the petitioner is in judicial custody from 18.04.2020. Hence, he may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police strongly opposed for grant of bail to the petitioner stating that the petitioner and other accused were found in possession of 78 kgs of Ganja, which comes under the commercial quantity. Earlier the petitioner moved on several bail applications before this Court and the same were dismissed. The petitioner is having seven previous cases, out of which, five cases are similar in nature. He would further submit that investigation in this case has been completed and charge sheet has also been filed before the Special Court for EC & NDPS Act Cases, Madurai and the same is taken on file in C.C.No.159 of 2020.

5. Considering the nature and gravity of offence and considering the conduct and bad antecedents of the petitioner and also the fact that the quantity of ganja involved in this case is commercial, this Court is not inclined to grant bail to the petitioner. However, the learned Judge, Special Court for EC& NDPS Act Cases, Madurai, is directed to expedite the trial and dispose of the case in C.C.No.159 of 2020, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is dismissed.

sd/-

18/10/2022

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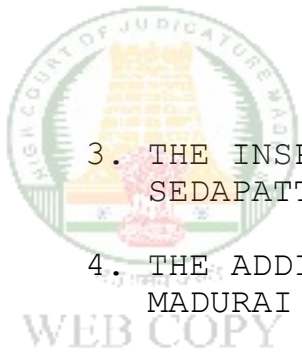
/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,
SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI DISTRICT.



3. THE INSPECTOR OF POLICE,
SEDAPATTY POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2867 of 2022
Date :18/10/2022

CP
USK/SSS/SAR-II/02.11.2022/3P/5C